

Piercy Given 15 Years In Pen

His Attorney Makes Only Perfunctory Defense and Appeals From Verdict Which Is Limit

Lawrence Piercy, of Lexington, was given the limit allowed under the law on the first indictment against him charged with confederating and leading together with Mickey Keith and Monk Wilson to abduct and assault and attempt to kill Peter W. Wells, of Madison county, on the night of December 2.

The jury's verdict, brought in after about 15 minutes consultation, was 15 years in the penitentiary. A member of the jury said that the jury were un-



P. W. Wells

animous for the full penalty on their first ballot.

Attorney Harry Miller for Piercy immediately took an appeal to the Court of Appeals. He made but slight defense to the case after his plea for a continuance had been overruled. In his address he had set up that his client was not in the case at Lexington, and that the fact that Piercy had been indicted on the night of December 2 was a mere technicality.

The commonwealth had summoned a long list of witnesses but only used two on the stand, Wells and Assistant Chief of Police Ernest Thompson, of Lexington. Others of the prosecution's witnesses, who were summoned but not used were Miss Carter, of Lexington; James Estes, Taylor Boggs, S. P. Bush, K. N. Bybee, Paul Henthorn, Walter Wells, George Gentry, Charles Webber, Quinn Cockington, G. W. Webber, who was reported sick in bed, L. H. Watts, Will Rhorer, and Detective Ernest Donahue, of Louisville.

Immediately after the jury had brought in its verdict in this case, preparations were made to begin the trial of Keith.

After Attorney Harry Miller had exhausted every possible effort to secure a continuance, Judge W. R. Shackelford ordered the trial of Lawrence Piercy, of Lexington, to proceed on the indictment charging confederating and leading together with Monk Wilson and Mickey Keith to abduct and assault P. W. Wells, in Madison county, on the night of December 2.

Attorney Miller submitted a volume of affidavits and motions to secure a continuance. He pled that he is a member of the legislature from Lexington. He said the budget bill is before the House of Representatives at Frankfort this morning and it was necessary that he be there to look after the interests of the state University. He said even if the judge forced trial he would be compelled to leave at 11 a. m. to get back to Frankfort.

After Judge Shackelford had overruled his motions for a continuance with the statement that personally he would be glad to indulge Mr. Miller, but he had offered no legal grounds for a continuance, Judge Shackelford notified Mr. Miller that he would not permit him to leave his client. He said that Mr. Miller had appeared

as counsel, had offered motions and other pleadings and he would not allow him to drop the case right in the middle of it.

Attorney Miller made no objections to the jury selection and no challenges. The jury was drawn and accepted by both the commonwealth and defense as follows:

J. J. Murphy, D. Kincaid, J. J. Cobb, W. B. Brandenburg, Geo. D. Simmons, C. H. Park, Hiram Ashill, R. C. Mason, Jr., Haden Turpin, Scott Moores, Leslie Long, and Charles Cornelison.

All are prominent business men and farmers.

Representing the Commonwealth are Special Prosecutor A. R. Burnam, Commonwealth's Attorney W. J. Baxter and County Attorney J. P. Chenault. Judge Shackelford said he would reduce Piercy's bond from \$30,000 to \$10,000.

P. W. Wells was the first witness on the stand and told again the story of how he was called to an automobile on the night of last Dec. 2 from his home 10 miles from Richmond in this county, was beaten over the head with a pistol, dragged into the car, taken out the Lexington pike and across into Fayette county and then shot in the head and left for dead on the roadside. He positively identified Piercy as the man who struck him in the head and later shot and attempted to kill him.

A crowd which taxed the capacity of the courtroom was present when the case was called. The crowd was perfectly orderly and quiet, but the courtroom was well policed.

Attorney Harry Miller did not cross examine Wells. Miller seemed to be uninterested in the case, and acting merely perfunctorily, since he was forced to remain and represent his client.

He inquired of a bystander when the next term of the Madison county circuit court would be held. When told that it would come May, he said:

"That is when we will try this case, then."

He was asked if he expected to get a hung jury now.

"No, a conviction," he answered.

Assistant Chief of Police Ernest Thompson, of Lexington, was the next witness. He was not cross-examined by Miller, either. He identified an automobile run as having seen it before, but was not asked where he said he didn't get the rug; another officer said this is the blanket which is said to have been in the car the night Wells was slugged, and which is said to show blood stains from the gore that flowed from Wells' injuries.

Thompson said he was with Wells in the federal court at Lexington at the time Wells identified Piercy as the man who assaulted and abducted him. Piercy was in federal court at Lexington at the time answering the federal charge of having participated in the robbery of the Ripy distillery at Tyrone.

Tom Keith, known as Mike, one of the defendants, with Piercy, was next called by the prosecution. Before he could testify Judge Shackelford warned the prosecution that in the event he was used as a witness he would in all probability have to dismiss the indictment against him, under the statutes. So Keith was withdrawn and did not testify.

The commonwealth did not introduce further testimony and closed.

Attorney Miller then moved for peremptory instructions on the ground that testimony had been introduced showing an offense had been committed in Fayette county over which the Madison county court had no jurisdiction. He also moved that the swearing of the jury be set aside on the grounds that the indictment lacked this. All of his motions were overruled. Mr. Miller said he did not care to argue the case, so it went to the jury.

The jury was out about 15 minutes and brought in a verdict of guilty with punishment fixed at confinement in the penitentiary for 15 years.

Motion and grounds for a new trial were filed by Attorney Miller; overruled by the court and an appeal granted to the Court of Appeals.

Court then adjourned to afternoon to take up the trial of Keith on the same charge.

FOR SALE—Pure bred White Leghorn eggs for hatching. Phone Mrs. C. H. Jett.

OFFICERS MUST HAVE SEARCH WARRANT

To Look Into Cars For Booze, Judge Holds, Releasing Isom Fender—Circuit Court

Declaring that it is absolutely beyond the province of officers under the prohibition laws to search a man's automobile or baggy for whisky without a search warrant, Judge W. R. Shackelford directed a jury to return a verdict of not guilty against Isom Fender, colored, who was tried in circuit court today on a charge of transporting liquor.

Fender was captured by Sheriff Elmer Deatherage several weeks ago near Bobtown, this county, and had a gallon of moonshine whisky in his machine. The sheriff was not looking for Fender at the time, but happened to drive past him and noticed that Fender was apparently handling his car with much care. The officer stopped and halted Fender when he came alongside. He began to question the negro, who manifested considerable nervousness and caused the officer to suspect something. Of a sudden Fender "stepped on the gas" in an effort to get away. Sheriff Deatherage made a flying leap and caught the negro around the neck and caused him to run his car into a hedge fence at the side of the road. The moonshine whisky was then found in the machine.

Judge Shackelford made a careful study of all authorities before making his ruling in this case. He warned Fender, however, that the next time he appeared before him he wouldn't get off so easy.

After he had been dismissed, Fender was asked if he wanted his liquor returned to him, but he vehemently declared that it wasn't liquor any more. He refused to touch it so Sheriff Deatherage poured it out in the gutter in front of the court house. Experts on moonshine liquor said it seemed to be the clearest and best that has been seen around here in some time.

Circuit court was mighty busy last week. Judge Shackelford and Commonwealth's Attorney Baxter apparently were clearing up the docket by get small cases out of the way of big cases which are on the docket for trial this week.

Chenault Benton, colored, was given a two-year sentence for stealing some automobile tires.

The cases against Henry Hopkins, of the Berea section, were continued to the May term of court and attachments issued for Preston Jackson and Ben Alney, absent witnesses.

Mack Lunsford charged with assaulting Ras Sams with an ax was found guilty and given a fine of \$50 and costs.

Charles Cain, Richard Cain, Moss Carpenter, Wilson Cain and Billy Cain were all fined \$20 and costs on granting charges.

William Coates, on a liquor charge, was given \$300 and 60 days in jail.

Ernest Gadd, charged with violating the liquor laws, failed to answer for trial so his bond of \$200 was declared forfeited. His bondsman Dick Chastain and H. C. Gabb, of Rockcastle county, this case was sent up from the Richmond police court.

Collins Gilbert, colored, on a charge of selling liquor to Bob Smith, was given \$300 and 60 days.

Attorney Oldham filed motion and grounds for new trials for Mrs. Eva Bicknell convicted twice of selling liquor. When his motions were overruled he was granted appeals to the Court of Appeals.

Joe Lakes, charged with having liquor in his possession, was fined \$150 and given 60 days in jail. Lakes was indicted some two years ago by a grand jury but had never been arrested until Sheriff Deatherage picked him up early one morning several weeks ago.

Rosa Huguey, colored, charged with unlawful sale of liquor, caught a fine of \$200 and 60 days in jail.

Harris Lamb, charged with having liquor in his possession, was declared not guilty, and Goebel Peyton was also acquitted on a charge of selling liquor.

Dennis Rogers, colored, charged with grand larceny in the theft of a ring, was given one year in the pen.

Wilmore Palmer, colored, charged

KEITH SAYS HE TRIED TO SAVE P. W. WELLS

Denies Having Cursed or Hurt Wells When Latter Was Abducted—Second Trial In Mystery

It required some time to obtain a jury in the trial of Thos. Keith, charged with Piercy and Monk Wilson with abducting and assaulting Peter W. Wells when Keith's trial was called in circuit court after noon Monday. Attorneys Oldham and Wyckoff questioned every talesman closely. The jury to try Keith as finally selected was composed of Jasper Wylie, Joe Harris, James Anderson, H. D. Rayburn, Lefe Duerson, A. J. Lackey, Dan Noland, J. L. Kanatzar, J. M. Coy, W. C. Parrish, Ed W. Turner, and A. H. Hamilton.

Attorney A. R. Burnam again acted as chief prosecutor and was assisted by Commonwealth's Attorney Baxter and County Attorney J. P. Chenault.

Peter W. Wells again told his story of the abduction and assault, as he told at both the examining trials of Piercy and Keith, and at the trial of Piercy in the morning trial.

Attorney Oldham cross-examined Wells closely regarding Keith's action with the whole affair. Judge Shackelford overruled his objection as to what had taken place on the Fayette side of the river. Wells admitted that Keith didn't hit him or help put him in the car. He said Keith was on the front seat and had a gun and said: "We've got the — — —". He said Keith also told him he'd blow out his brains if he made a noise. Wells said Keith helped search him and took his knife away from him.

Attorney Oldham read from his testimony at the examining trial and asked Wells if at that time he hadn't testified that Wilson had taken his knife. Wells denied having testified such at the examining trial. Wells denied having told two men at Rhorer's store after he had been shot, that three men had brought him there; he one had tried to save his life. He testified that he had said that the police officers at Lexington either. He also denied having shaken hands with Keith in the sheriff's office in Lexington, an thanking him for trying to save his life. Wells denied that at his hairpin Curve or across the river Keith had pleaded with Piercy not to kill him.

Walter Wells, at whose home Peter W. Wells was saying he was abducted, said he is a first cousin of Peter. He lives three miles from College Hill. He and his family heard a car drive up the night of December 2 and some one shouting. They thought a first neighbor had come over. Some one asked if that was where Peter W. Wells lived and the Peter went out. Walter Wells said he heard the men in the car say they'd been sent by a Mr. McCreary to get him and he heard Peter say he wouldn't go. Walter Wells said he then went in and sat down by the fire again. Peter then came in and got a bucket of water. He took it out to the car and in a short time Walter said he heard him say "Oh Lord, Walter."

The witness said the car then drove off quickly. He went to the phone but couldn't get anyone and thought the wire cut, so went to College Hill and by the time he got to Richmond the car had

ed with carrying concealed weapons, was given \$100 fine and 40 days in jail and disfranchised from voting.

Wm. White, charged with operating a moonshine still, was found guilty and given \$200 fine and 60 days.

Roy Williams, on a concealed charge, with found guilty and given \$100 fine, 40 days in jail and disfranchisement.

Wm. McDonald, James Romes and James Skinner, three Winchester negroes, charged with having concealed weapons, were convicted, fined \$100 each with 40 days in jail and disfranchisement.

The grand jury brought in seven indictments before adjourning over the week-end to Tuesday. One indictment was for disturbing religious worship; four for violating the prohibition laws; one for carrying concealed a deadly weapon, and one for shooting on the highway.

POLITICAL BILLS TO FRONT IN LEGISLATURE

Democrats Expected To Stand Solid Before Governor's Veto Ax Can Be Effective

(By Associated Press)

Frankfort, Ky., Feb. 27.—With the scent of action temporarily shifted to the Senate as far as the big bills are concerned and a powerful political undercurrent making its presence felt in both houses, this week promises to be by far the liveliest of the entire session of the Kentucky General Assembly. The House has before it the budget bills which probably will not be passed before Wednesday.

A foretaste of political struggles that are expected to make their appearance during the week was had Saturday when the democratic members of the Senate failed to appear for the scheduled session following a caucus at 9 o'clock Saturday morning. Republican members were out in force but there was no quorum. It was freely reported in the Senate chamber that democrats stayed out in order to break a quorum because they feared Governor Morrow would veto and return the Louisville non-embellish bill and they did not have enough votes to pass the measure over the veto. Every democrat must be present to put political measures over.

Friday the Senate indulged in a lengthy parliamentary battle that left the rules committee supreme in the saddle. Twice in rapid succession the Senate voted to overrule the decision of the clerk and later an attempt to overthrow the rules committee failed by many votes. The battle was along political lines. Senator F. E. Davis voted with the republicans on this action and J. W. Stoll with the democrats.

Democrats realized that all political measures must be forced through early in the week for the next week all bills will be at the mercy of the Governor's veto. Friday's session will virtually end the chances of the democratic majority for overruling the Governor. After that day all bills will come within the 10-day limit allowed for the Governor to veto a measure. Bills passed Saturday and thereafter may stay on the Governor's desk until the end of the session and a veto then will kill the bill.

The democrats have a majority in both houses and they are planning to rush things up a bit during the early part of the week. The House already has arranged for night sessions beginning Monday and the Senate is expected to follow suit.

The Louisville non-embellish bill passed on through.

Peter W. Wells was recalled and Attorney Burnam asked him if he had been offered a drink in the car. He said that Keith said "Let's give this fellow a drink." Wilson said, "All right," and Keith said, "Be sure you give him a drink out of the right bottle." He said Keith pretended to take a drink out of the bottle, after he'd found it in the bottom of the car.

This concluded the case for the prosecution. The court overruled Attorney Oldham's motion for a peremptory instruction. The attorney claimed no testimony had been offered to show that Keith had entered into any conspiracy with Piercy or Wilson.

In his statement to the jury, Attorney Oldham declared that Keith was what is known as a "whisky head," that he was a boy just out of the army and an "innocent victim of cruel and unusual circumstances."

Keith was put on the stand in his own defense. He said he had been drunk for several days before he got into the car the afternoon of December 2 to take a ride with Piercy and Wilson. Keith told the same story that he did at the examining trial and which he had made in his outlined confession when first arrested and denied that he had cursed Wells at any time. He said he only said three words to Wells during the whole affair. There were "Howdy do," "Here's a handkerchief," and "Have a drink."

Keith said he didn't have the gun, but had a bottle of whisky in his pocket.

The case was still on trial when the Daily Register report closed for the day.

The Weather
Cloudy and colder tonight; Tuesday unsettled and colder, probably followed by snow in western portion.

Today's Livestock Markets
Cincinnati, Feb. 27.—Cattle strong; hogs steady; Chicago 2c higher.

Louisville, Feb. 27.—Cattle 14c steady, \$2 to \$7.50; hogs 4.00c steady, \$5 to \$10.50; sheep 12c steady \$6; lambs \$13.

LEGION DEMANDS BONUS LEGISLATION

(By Associated Press)

Washington, Feb. 27.—Representative Mondell and chairman Fordley, of the House Ways and Means committee, are understood to have discussed the soldiers' bonus today with President Harding. Meanwhile, Hanford McNider, national commander of the American Legion, announced the Legion is opposed to any further delay in the enactment of a bonus bill. He said the Legion would not be drawn into any discussion of ways and means for raising the bonus as indicated the Legion is interested only in passage of a bonus legislation. Both Mondell and Fordney said the house would pass a bonus bill at this session. As to means of financing it, Mondell referred to the expected savings in government expenditures in the next fiscal year.

The first political measure to pass both houses, now awaits the Governor's action. It is believed that he will veto the measure but that disapproval will not come until the last minute of his ten-day allowance is consumed. Then the bill will be returned to the Senate and House for action over his veto. Once this session both houses have disagreed with the executive in regard to a bill and it went through despite his veto. In this instance extra help was provided for the clerks and the governor vetoed it on constitutional grounds.

There are two political measures slated for consideration early in the week in the Senate, and a hard fight is expected on both. One is the blind and illiterate voter measure, accepting Louisville only, and the other is the Smith-Minor general registration bill. The registration bill and the blind illiterate voter bill already have passed the House by strict party votes and action along a similar line is predicted when the bill comes before the Senate.

The fight of the entire session is expected in the Senate when House bill calling for the submission to the voters of the question of the \$50,000,000 road bond issue, comes up for consideration. Democrats in caucus disagreed with the commission of 12 as suggested by the House and as a consequence a four-man commission is expected to be urged to supplant the House commission. The members of this commission already have been named by the democrats and the bill has been given its first reading. Whether the House will accept the plan of the Senate or just what affect this will have on the ultimate passage of the bill remains to be seen.

During the week just closed the Senate acted favorably on twenty-one measures while the House, engaged in several lengthy arguments, did not reach that number. During the week the Governor signed two more measures, bringing the total number of approved bills to six for the session.

Dame Fashion Makes Her Initial Bow

Everything is nearing completion for the big Dame Fashion opening at Pushin's Shop Wednesday morning. The most beautiful line of ladies' ready-to-wear ever shown in Richmond has been received from the Eastern markets. The store room formerly occupied by Cadon and Kilpatrick as a confectionery, has been remodeled and fitted up in a very attractive manner. Mr. Pushin is a hustler and comes out in today's paper with fourbig advertisements in regard to his formal opening. Flowers will be given all visitors on the opening day which promises to be one of the biggest events held in this city for some time. Be sure to read his four announcements to be found elsewhere in this paper.

MYSTERY IN DEATH OF MISS WHITE'S BROTHER

John G. White, Jr., Is Found Shot and Killed In Office Building At Ashland

Mystery surrounds the death of John G. White, Jr., of Ashland, brother of Miss Paralee White, of Richmond, deputy federal court clerk. Miss White hurried to Ashland Saturday on being informed of his death. A dispatch from there Sunday said: Ashland, Ky., Feb. 26.—Belief that John G. White, Jr., 26 years old, whose body with a bullet wound in the head was found at 5 o'clock Saturday morning in the doorway of a downtown office building, met death at the hand of another, was expressed by police authorities who have been working on the case all day.

The young man was a nephew of Beverly White, of Woodford county, who was killed at Heidrick Station, Knox county, by John Bailey in April last year.

White was found stretched out on his back with his feet protruding out on the sidewalk. A pistol with one barrel discharged was clutched in his right hand, which was folded across his chest. The pistol was not White's property. In his left hand he held an unlighted cigarette. The cigarette was not crumpled and indicated that someone had placed it between his fingers, police say.

The suicide theory advanced earlier in the day was dispelled when White's own revolver was found at his father's home here. That robbery was not the motive of the murder was ascertained when thirteen dollars was found on White's body.

Captain John Bruner, of the Salvation Army, declared that he heard a shot fired at 4:15 o'clock and when he looked out the window he saw a closed automobile speeding down the street from the insurance office.

That White was on his way to the station to catch the 4:30 C. & O. train has been established. Members of the family state that his general bearing when they last saw him was such that they are positive he did not commit suicide. Officers have been unable to discover any reason why White did not go directly to the station instead of taking the route through the center of town, which is several blocks out of the way.

The bullet that killed the young man entered under the chin and came out of the top of his head, just behind the forehead. It continued out and to ceiling over the doorway, made a small hole and fell into the hallway.

John G. White, father of the slain youth and former postmaster at Winchester, will arrive tonight from Iryton, Magoffin county.

Both father and son have been working at Iryton as oil operators. The father is president of the Boyd Oil & Gas Company, with headquarters here.

Deceased besides being survived by his mother and father with whom he made his home, leaves six sisters, Mrs. R. B. Tumbleson, of Germantown, Pa.; Mrs. Mary Wells, Miss Alice White, of Lexington; Miss Paralee White of Richmond; Misses Holie and Laura White, of Ashland; three brothers, William Holt White, a broker in New York; T. R. White, of Fairlow, W. Va., and Garrett White, of Ashland.

Authorities are investigating a report that Miss Alice White, sister, employed at a Lexington bank, sent a wire Friday night, which said:

"Don't let John come to Lexington. Letter follows."

When asked concerning this report Mrs. John G. White, mother, replied:

"Elsie did not exactly say that." Mrs. White refused to make any further statement.

Rev. Skaggs Goes To Beech Grove Church

The Perryville correspondent of the Danville Advocate said last week: Rev. Skaggs, of Paint Lick, who has accepted the pastorate of the Beech Grove Church, yesterday with his family moved to this place and are now occupying a portion of the residence of Mr. and Mrs. Jas. Calvert on Harrodsburg street.